

REMARKS

In the instant application, claims 1-25 are pending. Claims 8-25 have been withdrawn from consideration. Reconsideration of the pending claims in view of the following remarks is respectfully requested.

Claim Rejection Under 35 U.S.C. § 102/103

Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Yourker, or Christell, or Musch.

As a preliminary background, the Applicants submit the following description of instant claim 1. Present claim 1 relates to an aqueous polymer dispersion. The polymer dispersion as claimed in claim 1 is characterized by the steps recited in part a) and b) of claim 1 as well as a gel content of 1 to 60% based on the polymer, recited in part b). It is recognized in the instant specification that aqueous dispersions suitable for processing to aqueous adhesive formulations preferably are storage-stable, meaning that the pH of the dispersion should not decrease over time. Moreover, in addition to storage-stability of the aqueous polychloroprene dispersion itself, it is preferred that the adhesive formulations including the aqueous polychloroprene dispersion have high initial strength and high heat resistance as recognized on page 3, lines 1 to 6 of the present specification. The storage stability, high initial strength and high heat resistance of adhesive formulations incorporating the aqueous polychloroprene dispersion are only achieved if the aqueous polychloroprene dispersions are prepared according to instant claim 1.

The novel properties (storage stability, high initial strength and high heat resistance) as set forth above are illustrated in the Examples of the instant application. Table 2a, page 16 of the instant specification, illustrates aqueous polychloroprene dispersions having a gel content of, for example, 15% by weight (see Example 3) which are not stored (conditioned) at a temperature of from 50° to 110° C. These dispersions (such as Example 3) show a decrease in the pH after storage, thus, not being storage-

stable. In contrast, if the same dispersions are stored (conditioned) (see Examples 4 and 5) at the temperatures according to claim 1, the pH remains substantially stable, thus, being storage-stable. The above illustrates that, among other features, the storage portion of part b) of instant claim 1 provide aqueous polychloroprene dispersions that are storage-stable. Further illustrated is the fact that the incorporation of the storage portion of part b) of instant claim 1 provides for aqueous polychloroprene dispersions that differ from those polychloroprene dispersions obtained where this step is omitted.

Turning now to the cited references:

Yourker

Yourker, as discussed in the previously filed response dated January 23, 2007, relates to an aqueous polymer latex having a gel content of at least 90%. Such a high gel content influences the properties of the aqueous polychloroprene dispersion in adhesive formulations as shown by the decrease in initial strength and heat resistance where polychloroprene dispersions having high gel content are utilized (see comparison Examples 6 and 7 of Table 2c of the instant specification). In Table 2c on page 18 of the instant specification shows that a gel content of the aqueous polychloroprene dispersion has an impact on the initial strength of adhesive formulation including the aqueous polychloroprene dispersions. A high gel point (see Examples 6 and 7 in Table 2C) shows a drop in the initial strength. Further, heat resistance (soft point) drops with higher gel content.

Therefore, the aqueous dispersion of claim 1 differs from the polymer latex of Yourker for at least the reasons that the gel content of over 90% of Yourker is much higher than that claimed in claim 1 and the properties of adhesive formulations made with the aqueous dispersions according to claim 1 show much improved and unexpected results over comparison formulations having a high gel content, as in Yourker. As such, the polymer latex of Yourker is different than the aqueous dispersion of claim 1 and Yourker cannot anticipate claim 1. Further, the aqueous dispersions of claim 1 show unexpected results in adhesive formulations over dispersions having a

higher gel content as in Yourker. Thus, claim 1 is not obvious in view of Yourker. Withdrawal of the rejection is respectfully requested.

Christell and/or Musch

Neither Christell nor Musch teach or suggest the storage step comparable to that recited in step b) of the present claim 1. Therefore, as shown above, the aqueous polychloroprene dispersions according to either Christell and/or Musch are different since the storage stability of the aqueous polychloroprene dispersions of the present invention are enhanced by the storage step recited in b) of instant claim 1. Therefore, neither Christell nor Musch disclose the instant aqueous dispersions. Moreover, the storage step recited in step b) produces unexpected results, i.e., enhanced storage stability as shown in the Examples of the instant specification, which are not featured in either Christell or Musch. As such, neither Christell nor Musch anticipate instant claim 1 or render claim 1 obvious. Withdrawal of the rejection of claim 1 based on these two references is respectfully requested.

In view of the foregoing, neither Yourker, Christell, nor Musch teach the aqueous dispersion of instant claim 1 since the instantly claimed dispersion features different properties over the cited references. Further, instant claim 1 is not obvious in view of the cited references because the aqueous dispersion of claim 1 shows unexpected results over the cited references. Withdrawal of the rejections to claim 1 is respectfully requested.

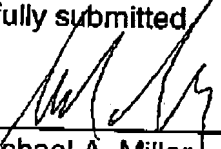
Claims 2-7 either directly or indirectly depend from claim 1 and are patentable over the cited references for at least the same reasons as set forth with regard to claim 1. Withdrawal of the rejection of these claims is respectfully requested.

In view of the foregoing, the instant application, as amended, is now in condition for allowance. A prompt response to this Amendment in the form of a Notice of Allowability is hereby solicited.

The USPTO is hereby authorized to charge any fees, including any fees for an extension of time or those under 37 CFR 1.16 or 1.17, which may be required by this paper, and/or to credit any overpayments to Deposit Account No. 50-2527.

Respectfully submitted,

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